

## REMARKS

This application has been reviewed in light of the Office Action dated October 10, 2002. Claims 1-9, 14, 15, 17-34, 39, 40, and 42-47 are presented for examination. Claims 10-13, 16, 35-38, 41, 48, and 49 have been canceled, without prejudice or disclaimer of subject matter. Claims 1-9, 14, 15, 17-34, 39, 40, and 42-47 have been amended to define more clearly what Applicants regard as their invention. Claims 1 and 26 are in independent form. Favorable reconsideration is requested.

Claims 48 and 49 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,134,020 (*Masumoto et al.*). Cancellation of claims 48 and 49 renders the rejection of those claims moot.

Claims 1-13, 15, 19-21, 23, 24, 26-38, 40, 44 and 46 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,287,194 (*Lobiondo*) in view of U.S. Patent 5,692,111 (*Marbry et al.*); claims 14, 39 and 47 were rejected under Section 103(a) as being obvious from those patents, in view of U.S. Patent 5,859,711 (*Barry et al.*); claim 22, as being obvious from *Lobiondo* and *Marbry* in view of U.S. Patent 5,040,079 (*Shimizu*); claim 25 as being obvious from *Lobiondo* and *Marbry* in view of U.S. Patent 5,926,285 (*Takahashi*); claims 7, 42 and 45 as being obvious from *Lobiondo* and *Marbry* in view of U.S. Patent 6,298,173 (*Lopresti*); and claims 16, 18, 41 and 43 as being obvious from *Lobiondo* and *Marbry* in view of U.S. Patent 6,184,999 (*Yoshida et al.*).

First, cancellation of claims 10-13, 16, 35-38, and 41 renders the rejections of those claims moot.

With respect to the remaining claims, Applicants have amended independent claims 1 and 26 in terms that more clearly define the present invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentable over the cited prior art for at least the following reasons.

The present invention is directed to providing a capability in setting the parameters of peripherals and the like in an intelligent and flexible manner based at least in part on the content of the data. As described in the introductory portion of the present application, the parameters of peripherals are generally set either at the time of manufacture, or by a dialog between the user and the computer system, or (by default) by the computer system itself. Again, certain file transfer protocols do automatically take into account the form of a file to be transferred (for example, whether the file is binary or not), but do not otherwise take into account the content of the data in the file. The present invention intends to provide flexible and intelligent setting of parameters according to the content of the data.

The aspect of the present invention set forth in claim 1 is a device for determining conditions for processing to be carried out on data in a file, by at least one input/output means which modulates a physical quantity. The device includes means for determining content of the data in the file, and a pilot configuration determination means adapted, without modifying the data, to take into account the content of the data in the file for determining a configuration of the pilot of the input/output means designated to implement the processing.

An important feature of claim 1 is means for determining content of the data in the file for determining a configuration of the pilot of the input/output means designated to implement the processing.

First, for purposes of clarity, the phrase “determining *semantics of the processing* of the data” has been amended to now read “determining the contents of the data in the file”. This particular amendment to claim 1 is made to clearly articulate an important feature of the present invention. Namely, the contents (semantics) includes the actual content of the file (a file principally consisting of an image, text, contrast, colour, ...), the destination of the file (display, copy, printing, ..), and the origin of the file (software, author,...) (See page 2, line 30 to page 3, line 5 of the specification).

The applied art, alone or in combination, is not seen to disclose or suggest the invention as defined by independent claim 1, particularly with respect to means for determining content of the data in the file for determining a configuration of the pilot of the input/output means designated to implement the processing.

*Lobiondo* relates to a system of distributed printing, in which a scheduling routine utilizes a total complex of printers available at various locations on a network to allocate and complete printing jobs (Column 2, lines 24-31). Criteria for the selection of a printer are related to the time when the job is desired to be completed (Column 3, line 53), the type of document (facsimile, email, etc.) (Column 3, line 61), the formatting of the document (sizing, margins) (Column 3, line 55), and the printer capabilities (color reproduction, special paper, simplex/duplex printing (Column 4, lines 49 and 50, and Column 5, line 55). If, for example, the

requested completion time is not achievable with a single printer, the job can be divided into portions that are allocated to respective printers.

However, nothing has been found in *Lobiondo* that discloses or suggests means for determining the contents of the data (image, text, contrast ...) in the file for determining a configuration of the pilot of the input/output means designated to implement the processing. Instead, the *Lobiondo* system teaches that selection of a printer is performed only “upon analysis of available printers and the entered criteria” (Column 6, lines 27 and 28).

Further, at page 4 of the Office Action, it is specifically conceded that *Lobiondo* does not teach determining a configuration of a pilot of the input/output means.

For at least these reasons, independent claim1 is believed clearly patentable over *Lobiondo*.

*Marbry et al.* is cited in the Office Action as remedying the deficiency of failing to teach the feature of determining a configuration of a pilot of the input/output means. However, Applicants understand *Marbry et al.* as relating to automatic installation of printers in a distributed environment, intended to provide a point-and-print capability to users of the system. This capability permits a user to select any printer on the system to perform the user’s print job, just by selecting that printer and requesting printing on it. The retrieval of configuration information, and installation of the printer, is performed without other intervention by the user, from a database maintained at a network server. In the course of this process, the configuration information and a printer driver are copied to a location that is local to the workstation where the print job request has been entered by the user (Column. 3, lines 27-35). In addition, while *Marbry et al.* mentions that complete configuration information (if available) is retrieved from

the server and provided to the workstation (Column 1, lines 55 and 56; Column 2, lines 1-11), nothing has been found or pointed out in this patent, that would teach or suggest that the configuration information or the printer driver in any fashion takes into account the contents of the document to be printed. That is, the term "configuration information", used in *Marbry et al.*, relates to the information necessary for installing a printer, not for the configuration of the printer for printing a given document. Further, nothing has been found in *Marbry et al.* that discloses or suggests means for determining the contents of the data in the file for determining a configuration of the pilot of the input/output means designated to implement the processing, as recited in claim 1.

Therefore, even if *Lobiondo* and *Marbry et al.* were to be combined in the manner proposed in the Office Action, assuming such combination would even be permissible, the resulting combination would fail to teach or suggest at least those features of claim 1.

Accordingly, Applicants submit that claim 1 is patentable over *Lobiondo* and *Marbry et al.*, whether considered separately or in combination, and respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a).

Independent claim 26 is a method claim corresponding to device claim 1, and is believed to be patentable for at least the same reasons as discussed above in connection with claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the


invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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